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8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA, ) Case No. CR -GAF  
12 Plaintiff, )  
13 vs. ) **ORDER RE**  
14 ) **CRIMINAL TRIAL**  
15 )  
16 Defendant(s) )  
17 \_\_\_\_\_

18 The above matter is set for trial before the Honorable Gary Allen Feess,  
19 Courtroom 740, Roybal Federal Building.

20 1. All pleadings shall be served personally on opposing counsel or faxed to  
21 opposing counsel no later than 4:30 p.m. on the day of filing.

22 2. **Counsel are ORDERED to serve conformed courtesy copies of all**  
23 **motions, oppositions and replies directly to Chambers at the Roybal Federal Building,**  
24 **255 East Temple Street, Suite 730, Los Angeles, California 90012 by 5:00 p.m.**  
25 **(PST) on the day of filing.**

26 3. Counsel are ORDERED to list their facsimile transmission numbers along  
27 with their address and telephone numbers on all papers submitted to the Court in  
28 order to facilitate communication by the Court.

1     **DISCOVERY & NOTICE**

2             4. Counsel for the government and counsel for defendant shall comply  
3 promptly with discovery and notice pursuant to Fed. R. Crim. P. 12, 12.1, 12.2,  
4 12.3, 15, and 16. Upon government counsel's discovery of any evidence within the  
5 scope of Brady v. Maryland, 373 U.S. 83 (1963), such evidence shall be produced  
6 forthwith to counsel for the defendant. Counsel for the government shall also  
7 disclose to counsel for defendant the existence or non-existence of: (1) evidence  
8 obtained by electronic surveillance; (2) testimony by a government informer.

9     **TRIAL**

10            5. Counsel for the government shall file with the Court in camera (under seal)  
11 all statements of all witnesses to be called by the government in its case-in-chief.  
12 Such statements shall be filed at least five (5) calendar days before trial.

13            6. Counsel shall arrive at the Courtroom promptly at 8:30 a.m. on the first  
14 day of trial.

15            7. Counsel for the government shall present the Courtroom Deputy with the  
16 following documents on the first day of trial:

- 17               a.     THREE copies of the government's witness list.  
18               b.     THREE copies of the government's exhibit list in the form  
19                       specified in Local Rule 9.9 (Civil).  
20               c.     ALL of the government's exhibits, with official exhibit tags  
21                       attached and bearing the same number shown on the exhibit  
22                       list.

23                       Defendant's counsel does not have to deliver his or her exhibits  
24                       to the Courtroom Deputy on the first day of trial; however,  
25                       Defendant's counsel is responsible for affixing completed exhibit  
26                       tags with the case name and case number to his or her exhibits  
27                       which are intended to be used in the defendant's case.  
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1 Exhibit tags can be obtained from the receptionist in the main  
2 Clerk's Office, located at 312 North Spring Street, Room G-8.  
3 Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50 etc.  
4 If a blow up is an enlargement of an existing exhibit, it shall be  
5 designated with the number of the original exhibit followed by  
6 an "A".

7 Counsel for the government should be aware that the Court will  
8 order that exhibits such as firearms, narcotics, etc., remain in  
9 the custody of the agents during the pendency of the trial. The  
10 agent will be required to sign the appropriate form in order to  
11 take custody of such exhibits. It shall be the responsibility of  
12 the agents to produce said items for court, secure them at night  
13 and guard them at all times while in the courtroom.

- 14 d. A bench book containing a copy of all exhibits that can be  
15 reproduced.

16 Each exhibit shall be tabbed with the exhibit number for easy  
17 referral. Defendant's counsel shall provide the Court with a  
18 copy of their exhibits as they are introduced during trial.

- 19 e. A floppy disk containing the exhibit list.

20 A copy of the exhibit list with all **admitted exhibits** will be given  
21 to the jury during deliberations. Government and defense  
22 counsel shall review and approve the exhibit list with the  
23 Courtroom Deputy prior to it being given to the jury.

24 8. If counsel need to arrange for the installation of their own additional  
25 equipment, such as video monitors, overhead projectors, etc., notify the Courtroom  
26 Deputy no later than 4:30 p.m. two days BEFORE trial so that the necessary  
27 arrangements can be made.  
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1           9. Trials commence on Tuesday at 8:30 a.m., with jury selection beginning  
2 at 9:00 a.m., or as soon thereafter as possible. Trials are conducted Tuesday  
3 through Friday from 9:00 a.m. to 5:00 p.m., with two fifteen (15) minute breaks  
4 normally at 10:15 a.m. and 3:15 p.m., and a lunch recess from 12:00 p.m. to 1:30  
5 p.m.

6           10. Before trial commences, the Court will give counsel an opportunity to  
7 discuss administrative matters and anticipated procedural or legal issues. During the  
8 trial, if there are any matters you wish to discuss, please inform my Courtroom  
9 Deputy.

10           11. The Court reserves the time from 8:30 a.m. to 9:00 a.m. to handle legal  
11 and administrative matters outside of the presence of the jury. The trial before the  
12 jury will commence promptly at 9:00 a.m. Counsel is urged to anticipate matters  
13 which may need discussion or hearing outside of the presence of the jury and to  
14 raise them during this period, during breaks or at the end of the day.

15           **JURY INSTRUCTIONS & VERDICT FORMS**

16           12. Jury instructions in the form described below in are to be submitted not  
17 later than the Wednesday of the week prior to trial. Counsel need only submit  
18 proposed SUBSTANTIVE instructions, the Court will propound its own general  
19 instructions and will essentially follow the format set out in the Manual of Model  
20 Criminal Jury Instructions for the Ninth Circuit (West Publishing, latest edition). In  
21 those cases where a special verdict is desired, counsel shall submit a proposed  
22 verdict form with the jury instructions. **Counsel shall submit a floppy disk**  
23 **containing the proposed joint and disputed instructions, and the proposed verdict**  
24 **form.**

25           13. The parties must submit JOINT jury instructions and a JOINT proposed  
26 verdict form (if a special verdict is desired). In order to produce these joint  
27 instructions, the parties shall meet and confer sufficiently in advance of the required  
28 submission date with the goal of agreeing upon instructions and verdict forms. The

1 jury instructions shall be submitted as follows: 1) JOINT jury instructions, those  
2 instructions which are agreed to by all parties; and 2) DISPUTED jury instructions,  
3 those instructions propounded by a party to which another party objects.  
4 Objections to disputed instructions shall be filed no later than the Friday before the  
5 trial. Each requested jury instruction shall be numbered and set forth in full on a  
6 separate page, citing the authority or source of the requested instruction.

7 14. The Court prefers counsel to use the instructions from the Manual of  
8 Model Criminal Jury Instructions for the Ninth Circuit, West Publishing, latest  
9 edition. Another suggested source is Federal Jury Practice and Instructions, Devitt,  
10 Blackmar, Wolff and O'Malley, West Publishing Co., current edition.

11 15. An index page shall accompany all jury instructions that are submitted  
12 to the Court. The index page shall indicate the following:

- 13 a. The number of the instruction;
- 14 b. A brief title of the instruction;
- 15 c. The source of the instruction; and
- 16 d. The page number of the instruction.

17 **EXAMPLE:**

18 Number	Title	Source	Page Number
19 #1	Duty of the Jury	9th Cir. 1.01	1

20 **INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL**

21 16. Counsel shall not refer to their clients or any witness over 14 years of  
22 age by their first names during trial.

23 17. Do not discuss the law or argue the case in opening statements.

24 18. When objecting, state only that you are objecting and the legal ground  
25 of the objection, e.g., hearsay, irrelevant, etc. Do not argue an objection before the  
26 jury.

1           19. Do not approach the Courtroom Deputy or the witness box without the  
2 Court's permission. Please return to the lectern when your purpose has been  
3 accomplished. Do not enter the well of the Court without the Court's permission.

4           20. Please rise when addressing the Court. In jury cases, please rise when  
5 the jury enters or leaves the courtroom.

6           21. Address all remarks to the Court. Do not directly address the Courtroom  
7 Deputy, the reporter or opposing counsel. If you wish to speak with opposing  
8 counsel, ask permission to talk to counsel off the record. All requests for the re-  
9 reading of questions or answers, or to have an exhibit placed in front of a witness,  
10 shall be addressed to the Court.

11           22. Do not make an offer of stipulation unless you have conferred with  
12 opposing counsel and reached an agreement. Any stipulation of fact will require the  
13 defendant's personal concurrence and shall be submitted to the Court in writing for  
14 approval. A proposed stipulation should be explained to him or her in advance.

15           23. While court is in session, do not leave the counsel table to confer with  
16 investigators, secretaries, or witnesses unless permission is granted in advance.

17           24. When a party has more than one lawyer, only one may conduct the  
18 examination of a given witness and only that same lawyer may handle objections  
19 during the testimony of that witness.

20           25. If a witness was on the stand at a recess or adjournment, have the  
21 witness back on the stand and ready to proceed when court resumes.

22           26. Do not run out of witnesses. If you are out of witnesses and there is  
23 more than a brief delay, the Court may deem that you have rested.

24           27. The Court attempts to cooperate with doctors and other professional  
25 witnesses and will, except in extraordinary circumstances, accommodate them by  
26 permitting them to be put on out of sequence. Anticipate any such possibility and  
27 discuss it with opposing counsel. If there is an objection, confer with the Court in  
28 advance.

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28. Counsel are advised to be on time as the Court starts promptly.

**DATED:**

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**GARY ALLEN FEES**  
**UNITED STATES DISTRICT JUDGE**